

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

QUINDON M. YELDER,

Plaintiff,

vs.

LLOYD J. AUSTIN III, Secretary of Defense;

Defendant.

8:21CV320

ORDER

This matter is before the Court on the Findings and Recommendation of the magistrate judge, [Filing No. 12](#), and on the Objection to the Findings and Recommendation filed by the plaintiff, [Filing No. 13](#). The magistrate judge recommends that this Court dismiss the case for want of prosecution, as there has been no service on the defendant and no compliance with the court order, [Filing No. 11](#).

Plaintiff filed an Objection to the Findings and Recommendation, [Filing No. 13](#), stating that he did not receive the court order, [Filing No. 11](#). He states that after having issues with mail delivery, he was notified that the summonses were not addressed to the proper agency. He has made proper adjustments for service of the summonses and is awaiting the certified mail return receipts.

The Court has reviewed the record and determines that the magistrate judge is correct but will allow the plaintiff an extension of time to complete service of the summonses.

THEREFORE, IT IS ORDERED THAT:

1. The Findings and Recommendation of the magistrate judge, [Filing No. 12](#), is overruled;
2. The Objection to the Findings and Recommendation, [Filing No. 13](#), is sustained;
3. The plaintiff is given a 30-dayt extension until February 2, 2022 to complete the service of summons. The plaintiff is required to file with the court the summons forms, completing the 2nd page Proof of Service and include the certified mail return receipts; and

4. Failure to comply with this Order may result in the dismissal of this case without further notice.

Dated this 5th day of January, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge